

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ALMA LYNN GATES

PLAINTIFF

V.

NO. 4:13CV00055-SA-JMV

COMMISSIONER OF SOCIAL SECURITY

DEFENDANT

REPORT AND RECOMMENDATION

Plaintiff initiated this action by filing the complaint [Doc. 1] and a motion to proceed *in forma pauperis* [Doc. 2] on March 19, 2013. At all relevant times herein, Plaintiff has proceeded *pro se*. Plaintiff's motion to proceed *in forma pauperis* was granted by Order [Doc. 4] dated March 21, and process was issued for the defendant. Defendant answered the complaint on May 31 [Doc. 7]; and by Order [Doc. 9] dated May 31, Plaintiff was directed to file a brief in support of the complaint within thirty days.

On July 15, 2013, the court issued an Order [Doc. 12] that required Plaintiff to show cause why this case should not be dismissed for her failure to obey an order of the court and for her failure to prosecute pursuant to FED.R.CIV.P. 41(b). Plaintiff was allowed seven days to file a response. Now, it has been well over seven days since entry of the Show Cause Order, and Plaintiff has yet to respond. Nor has there been any other activity in this case. Therefore, it is my recommendation that this case be dismissed for Plaintiff's failure to prosecute and for her failure to obey an order of the court.

The parties are referred to L. U. Civ. R. 72(a)(3) for the applicable procedure in the event

any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this 4th day of December, 2013.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE